

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, August 7, 2012**

Council Members Present: Elaine Morris (Mayor), Jack Lynch (Vice Mayor), Stuart Raggio, Roger Neuman and Scott Behiel

Staff Present: Michael McHatten, Richard Matranga, Dave Hanham, Todd Fordahl, Melisa Ralston and Mary Kelly

## **5:30 p.m. CALL TO ORDER**

### **ADJOURN TO CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATORS: pursuant to California Code Section 54957.6  
Exempt Employees, Non-Exempt Employees, Police and Fire Employees City Negotiator: Michael McHatten, City Administrator

## **6:00 p.m. REGULAR MEETING**

### **ACTION TAKEN IN CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATORS: pursuant to California Code Section 54957.6  
Exempt Employees, Non-Exempt Employees, Police and Fire Employees City Negotiator: Michael McHatten, City Administrator

Action: Closed Session continued to end of regular meeting.

### **APPROVAL OF AGENDA**

MOTION by Council Member Neuman, seconded by Council Member Raggio and carried 5-0 APPROVING THE AGENDA AS PRESENTED

### **STAFF UPDATES**

**Todd Fordahl** – Police Chief

An arrest was made in the death on Main Street. A press release will be provided in the morning.

**Michael McHatten** – City Administrator

Referred to his consolidated report provided in the packet. Explained that due to vacations, the City Council/Planning Commission workshop is on hold.

Council Member Raggio asked who is paying for the repair on Roller Road. McHatten explained that both the contractor and City are responsible until a final report is received from the geotech engineer.

Council Member Lynch asked when the next sewer repair project will be started. McHatten said he is waiting until the City engineer is hired.

Council Member Lynch questioned the higher production of water (town usage) shown on Garrett's staff update. McHatten explained that a meter needing replacement is the cause of the numbers on the report.

### **COUNCIL UPDATES**

**Stuart Raggio**

- Attended UPA

**Jack Lynch**

- UPA – receiving power rate from power company.

- Attended Museum. There will be a grand opening of 3 new exhibits tentatively in September. The exhibits are in printing, carpentry and weaving.

**Roger Neuman**

- Attended several meetings of DAC.

**Scott Behiel**

- Attended CCOG. Nothing of interest for the City.

**Elaine Morris**

- Attended CCOG. The Draft RTP is out for review and comment.

**PUBLIC COMMENTS**

There were no comments from the public in attendance.

**CONSENT AGENDA**

Council Member Lynch pulled the minutes dated July 17, 2012 and asked the City Clerk to review and revise item #6 – Master Fee Schedule – as appropriate. Minutes to be brought back for approval at the August 21<sup>st</sup> Council Meeting.

**MOTION** by Council Member Raggio, seconded by Council Member Lynch TO CONTINUE TO JULY 17, 2012 MINUTES TO THE AUGUST 21<sup>ST</sup> AGENDA.

**REGULAR AGENDA**

**1. INTRODUCE ORDINANCE NO. 457 AMENDING CHAPTER 15.04 OF THE CITY OF ANGELS MUNICIPAL CODE.**

Building Inspector Steve Flaigg explained the need for amending this Uniform Codes – Building Permits chapter of the Municipal Code. Council Behiel questioned why the building application was expires in 120 days when the County application expires in 180. He suggested it be changed to conform with the County expiration period.

Council Member Neuman stated that the longer the delay, the poorer the execution. He felt there should be a sense of urgency to get the project done. He would not be supporting the expiration change.

**MOTION** by Council Member Behiel, seconded by Council Member Lynch and carried 4-1 with Council Member Neuman voting ‘NO’ AMENDING THE ORDINANCE TO REVISE THE APPLICATION EXPIRATION DATE FROM 120 DAYS TO 180 DAYS.

**MOTION** by Council Member Behiel, seconded by Council Member Neuman and carried 5-0 INTRODUCING ORDINANCE NO. 457. AN ORDINANCE AMENDING CHAPTER 15.04 (UNIFORM CODES-BUILDING PERMITS) OF THE CITY OF ANGELS MUNICIPAL CODE; WAIVE READING AND SET PUBLIC HEARING DATE FOR SEPTEMBER 4, 2012.

**2. RESOLUTION OF INTENTION TO ORDER THE LEVY & COLLECTION OF ASSESSMENTS FOR CITY OF ANGELS LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FY 2012-2013**

The City Administrator explained this resolution is required as a notice of intent to levy assessments. The draft engineer’s report showing the actual assessment is on the following agenda item.

Council Member Neuman asked why there is a reference in the resolution to maintenance of the roads when the roads were now City responsibility. He asked it be removed.

**Steve Difu** – 576 Sasa

Said he was confused having the roads included in the resolution and Engineer's Report. He asked if the Engineer prepared the resolution.

The City Administrator stated it was his responsibility for the wording in the resolution, but the verbiage refers to the development agreement. Council Member Behiel said the verbiage should remain but a footnote be added noting the original agreement remains in effect except as it pertains to roadways.

MOTION by Council Member Behiel, seconded by Council Member Neuman and carried 5-0 ADOPTING RESOLUTION NO. 12-17. A RESOLUTION OF INTENTION TO ORDER THE LEVY & COLLECTION OF ASSESSMENTS FOR CITY OF ANGELS LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FY 2012-2013. RESOLUTION TO CONTAIN THE FOLLOWING (third WHEREAS): ***WHEREAS, the phrase "maintenance of all PROJECT roads except Greenhorn Creek Road" was removed from the above stated paragraph by Resolution 09-53 adopted by the City of Angels City Council on December 15, 2009. Greenhorn Creek public streets were incorporated into the City Maintained Street system, relieving the District of street maintenance within the PROJECT;***

3. **RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR THE CITY OF ANGELS LANDSCAPE AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013**

The City Administrator explained the draft engineers report and how the assessment amount was calculated. He explained that a large portion of the reserve balance was collected for road maintenance that was never performed. Until there is a legal review provided recommending how to deal with the reserves he said he was reluctant to recommend using them.

Council Member Behiel asked if the wetlands were a duty being ignored. The City Attorney said there is no evidence who should be maintaining the wetlands - a determination will be made later. McHatten pointed out there is a contingency in the budget that can be used if needed for wetlands maintenance. In reviewing the budget, Council Member Lynch asked why there was an increase in City salary. McHatten explained that his time was never tracked before and this is a cost allocation. Mr. Lynch asked if the LLD committee was aware of this increase. He was informed that this had been discussed at the LLD Committee meetings.

**Steve Difu** – 576 Sasa

Asked if the Engineer prepared the budget. McHatten explained that the Engineer works with City staff. Staff provides costs to the Engineer. Mr. Difu said the budget was pathetic and contested several line items on the budget including amounts budgeted for: auditor's report, road sign maintenance, attorney fees, PCR maintenance, reprographics and trail signage. He stated that all of these amounts are in excess and this effects the bottom line which reduces the assessment. Mr. McHatten said he will discuss these line items with the Engineer and review to see if adjustments need to be made.

**Paul Backowski** – LLD Chair

Mr. Backowski encouraged the Council to get expedite the legal review process.

**Mike Kristoff** – GHC General Manager

Pointed out some errors in the Engineer's Report:

Page 48 budget does not match the budget on page 10.

Page 4 states that the mitigation of the elderberry habitat has been completed - it is to be mitigated in perpetuity. The Engineer explained that the elderberry are mitigated on an annual basis so by saying the mitigation is complete – it meant it was completed for the previous year. Mitigation is ongoing.

**Steve Difu** – 576 Sasa

Asked why the City received a letter from the Army Corp of Engineers regarding the wetlands when the City does not hold the permit. No one from the City signed the permit. Kristoff read into the record that the development agreement is between the developer and the City of Angels.

The City Administrator said he and the LLD Engineer will review the draft report and present a revised Engineer's report at the August 21<sup>st</sup> meeting.

MOTION by Council member Neuman, seconded by Council Member Raggio and carried 5-0 ADOPT RESOLUTION NO. 12-18. A RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR THE CITY OF ANGELS LANDSCAPE AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013

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4. **RESOLUTION APPROVING EXEMPT EMPLOYEES MEMORANDUM OF UNDERSTANDING**

MOTION by Council Member Raggio, seconded by Council Member Behiel and carried 5-0 ADOPTING RESOLUTION 12-19. A RESOLUTION APPROVING EXEMPT EMPLOYEES MEMORANDUM OF UNDERSTANDING.

**MEETING WAS ADJOURNED AT 7:40 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk